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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,570	03/04/2005	Michael Roreger	512100-2045	8017
7590 11/26/2008 Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151				
EXAMINER ASD/ODL, MOHAMMAD REZA				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,570

Applicant(s)

ROREGER ET AL.

Examiner

MOHAMMAD R. ASDJODI

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-10, 15-20 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB. 1,551,578, (Colgate-Palmolive) in view of Sugamoto et al. (JP-10183200), when taken with Mabley (US 2,356,168) and *Chemical and Technological assessment 61st JECFA*. Note: citations for JP-10183200 are from the English translation.

Regarding claims 1-10, 15-20, 22-25, Colgate-Palmolive discloses a detergent bar preparation (intended for conventional uses), which has a backbone forming polymer (film: starch; [Pg.11, L.42], cellulose derivatives; [Pg.15, L.17]), air bubbles and it is

solid; [Pg.1, L.5-25, Pg.10, L.19], wherein the soap has elastic and plastic properties; [Pg.4, L.10-15], water-soluble alkali metal salts of fatty hydrocarbons and surfactants; [Pg.2, L.55-65, Pg.3, L.5-10], foam forming agent, [Pg.2, L.19 & Pg.8, L.33], and optional ingredients such as perfumes, dyes, skin protecting agents; [Pg.5 L.20-24].

Colgate-Palmolive does not explicitly teach this soap with the strip or sheet thickness about 100 μm , even though it discusses the approximate thickness of the soap; [Pg.4, L.15-18]. However, Sugamoto et al. teach a skin cleaning sheet (strip) with a thickness of 100 μm ; [0021, 0023], comprising hygienic material, such as soaps or anti-bacterial agents, wherein the sheet carrying the composition is made of polyvinyl alcohol for a one time use; [0008, 0021, 0038]. Sugamoto et al. and Colgate-Palmolive are analogous art because they are from the same field of endeavour, that of cleaning compositions. At the time of invention, it would have been obvious to a person of ordinary skill in the art to manufacture the backbone forming film of Palmolive soap from polyvinyl alcohol in shapes and size of Sugamoto et al. with the intention of making a soap for a single use and easy to carry, as evidenced by water soluble cleaning product of Sugamoto et al. and also Melby. Limitation regarding changes in size, shape, thickness, air bubble size, and expandability factor (due to contact of soap with water) are not sufficient to patentably distinguish over prior art. *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976), [MPEP 2144.04, IV].

With respect to claim 5, Colgate-Palmolive do not teach the backbone forming material being partially hydrolyzed polyvinyl alcohol. However, use of partially hydrolyzed PVA in film forming material is a well known matter in the art, and is a

motivation for utilizing the water solubility properties of PVA films in variety of applications as indicated by Saxena; [pages 1-3].

With respect to claims 7-9, Colgate-Palmolive does not disclose the percentage of air bubbles with respect to that of soap, and its density. It teaches injection of air bubbles into soap material. This action will cause the volume of the mixture to increase from 5 to 60%, [Pg.7, L.60-65, Pg.8, L.1-3]. Therefore, it is clear that the added amount of air bubbles will directly determine the density of soap. Specifically, the percentage of air bubble will manifest itself in a desired density of soap as it is achieved by the value of 0.5 to 0.9gr/cc, [Pg.2, L.5-10].

With respect to claim 20, as applied to claims 5, and 1, Colgate Palmolive does not teach the dissolution time and expandability of soap in water. It is physio-chemically implicit that this time is a function of thickness and concentration of ingredients in soap, and water temperature. The Office realizes that all the claimed effects or physical properties, such as dissolution times or expandability (due to water absorption), are not positively stated by the reference (or: References). However, the reference teaches all of the claimed reagents. Therefore, the claimed effects and physical properties (time of dissolution) would implicitly be achieved by a composition with all the claimed ingredients. If it is the applicant's position that this would not be the case: (1) evidence would need to be presented to support applicant's position; and (2) it would be the Office's position that the application contains inadequate disclosure that there is no teaching as to how to obtain the claimed properties and effects with only the claimed ingredients.

With respect to claim 22, Colgate-Palmolive do not teach the bubbles size inside of soap. With regard to size of injected bubbles into soap, it would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize the bubble size to achieve the desired uniformity of this soap (considering its thickness), which will enhance its water solubility properties and dissolution time. As to optimization results, a patent will not be granted based upon the optimization of result effective variables when the optimization is obtained through routine experimentation unless there is a showing of unexpected results which properly rebuts the prima facie case of obviousness. See *In re Boesch*, 617 F.2d 272,276,205 USPQ 215,219 (CCPA 1980). See also *In re Woodruff* 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936-37 (Fed. Cir).

Claims 11-14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB. 1,551,578, (Colgate-Palmolive) and Sugamoto et al. (JP-10183200), as applied to claims 1, and further in view of Schulerud (US 2,525,081).

Regarding claims 11-14, and 21, Colgate-Palmolive teach the basic preparation method of bubbled soap, wherein the soap ingredients are in an aqueous mixture; [Pg.7: 50-65, Pg.9: 10-20].

Colgate-Palmolive does not teach placing the soap material on a sheet of PVA (a web material). However, Sugamoto et al. teach a skin cleaning composition (soap) on a sheet (made of PVA); [0021, 0023]. At the time of invention it would have been obvious to a person of ordinary skill in the art to utilize Sugamoto's method for

Palmolive's bubble soap with the motivation of making a soap for a single use as evidenced by Sugamoto.

Colgate-Palmolive does not teach drying the soap in a drying tunnel. However, Schulerud teach a method of soap preparation wherein the soap material is transported into a drying tunnel and its water content is reduced to about 10%; [2: 54-55, 3: 1-4]. At the time of invention it would have been obvious to a person of ordinary skill in the art to utilize drying method of Schulerud with the motivation of optimizing the water content of this soap.

With respect to claim 14, Colgate-Palmolive indicates that their soap is used on human skin; [Pg.13 12-14]. At the time of invention it would have been obvious to a person of ordinary skill in the art to also use soapy water (dissolved soap in water) on body surface, with the motivation of treating skin with a milder and less concentrated soap.

Claims 26-28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB. 1,551,578, (Colgate-Palmolive) and Sugamoto et al. (JP-10183200), as applied to claims 1, and 5, and further in view of Fowler et al. (US 5,720,961).

Regarding claims 26-28, and 29, Colgate-Palmolive teach the basic bubble soap preparation (as applied to claims 1, and claims 5, 1 above correspondingly). Colgate-Palmolive do not teach sodium laureth sulfate as LSA in their composition. However, Fowler et al. teach a skin cleaning composition soap comprising sodium laureth sulfate;

[C. 20, L. 32]. Fowler et al. and Colgate-Palmolive are analogous art because they are from the same field of endeavour, that of skin cleaning compositions. At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize the sodium laureth sulfate of Fowler et al. with Colgate-Palmolive's soap composition, with the motivation of taking advantage of excellent foaming property of this LSA, as evidenced by Fowler.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 3, and 6-20 have been considered but are moot in view of the new ground(s) of rejection.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. M. Reza Asdjodi whose telephone number is (571)270-3295. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1796

M. Reza Asdjodi /
Examiner, Art Unit 1796
11/20/08